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Supreme Court, U.S.

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In The
Supreme Court of the United States

October Term, 1995

—◆—
DANIEL R. GLICKMAN,
SECRETARY OF AGRICULTURE,

Petitioner,

v.

WILEMAN BROS. & ELLIOTT, INC., ET AL.,

Respondents.

—◆—
On Petition For A Writ Of Certiorari
To The United States Court of Appeals
For The Ninth Circuit
—◆—

BRIEF OF AMICI CURIAE OF THE ATTORNEYS
GENERAL OF THE STATES OF ARIZONA,
CALIFORNIA, FLORIDA, GEORGIA, MICHIGAN,
NEBRASKA, NEW JERSEY, OREGON, VERMONT,
VIRGINIA, AND WASHINGTON IN SUPPORT OF
THE U.S. SOLICITOR GENERAL'S PETITION
FOR WRIT OF CERTIORARI
—◆—

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INTEREST OF AMICI

The States of Arizona, California, Florida, Georgia, Michigan, Oregon, Vermont, Virginia and Washington, through their Attorneys General, submit this *amicus curiae* brief in support of the United States' petition for *certiorari* to review the Ninth Circuit decision in *Wileman Bros. & Elliott, Inc. v. Espy*, 58 F.3d 1367 (1995). The Ninth Circuit invalidated a federal marketing order provision that authorizes the use of mandatory assessments on the sale of peaches, plums, and nectarines for the purpose of conducting generic advertising and promotion of those crops.

Amici have vital interests in this matter because they have adopted marketing acts generally modelled after the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 *et seq.*), on which this case turned, including the use of mandatory assessments for generic promotion of the covered agricultural commodity.¹ The success of these programs is vitally important to the economic health of amici states.

Arizona, which has a \$6.3 billion industry, has three agricultural marketing programs. These programs have a combined annual budget of approximately \$613,600, including \$362,000 which is spent on advertising and promotional activities.

California has over 20 billion dollars in farm receipts from sale of agricultural commodities. It has 36 marketing

¹ See, e.g., statutes cited in footnote 19 of the Secretary of Agriculture's petition.

programs,² which in the aggregate last year spent \$135 million. One hundred and two million dollars of the combined budgets was spent on generic advertising and education.

The estimated size of *Georgia's* agricultural economy in farm gate receipts is \$5 billion dollars. It has eleven agricultural commodity commissions. The commissions combined budgets total almost six million dollars, of which approximately \$2,500,000 is spent for promotion.

Agriculture in the state of *Michigan* is a \$37 billion industry. In 1994, the total cash receipts for all livestock crops and livestock products totaled nearly \$3.41 billion. There are 15 legislatively established agricultural commodity marketing programs in the state of Michigan. These programs utilize \$12,429,559.48 in producer "checkoff" funds, of which \$5,835,041.00 are utilized for generic promotion activities.

New Jersey has farm receipts in excess of \$768,000,000. It has eight individual commodity councils, with a combined budget of \$426,559. The total budget for these marketing programs is \$426,550.

Oregon has an agricultural economy in excess of three billion dollars. It has 27 marketing programs which conduct generic promotion. In the aggregate these programs spend over \$13 million dollars, four to five million of which is spent on promotion.

Vermont has an agricultural industry with farm gate receipts totalling approximately \$500 million. It has three

² The programs for respective states are listed in the appendix to this brief.

marketing orders with a combined budget of \$2.73 million dollars, of which approximately \$2.58 million was used for marketing and promotion.

Virginia's agricultural economy yields \$2.2 billion in farm gate sales. Virginia has 13 commodity boards that conduct generic promotions using mandatory assessments. The budgets of these boards total \$2,613,434, of which \$1,689,813 is expended on promotion programs.

Washington has 24 commodity marketing commissions having a 1995 total farm gate value for the commodities covered by these programs of over 4 billion dollars. These marketing commissions had combined budgets of 47 million dollars, of which 33 million was spent on advertising and promotion.

Florida and *Nebraska* also have major agricultural economies supported by generic promotion that is funded by mandatory assessments.

Amici agree with the Secretary of Agriculture that the Ninth Circuit erred in using the *Central Hudson* test.³

³ This test was enunciated in *Central Hudson Gas & Elec. Corp. v. Public Serv. Com'n*, 447 U.S. 557, 566 (1980). The *Central Hudson* test applies only to governmental regulation of "commercial free speech," not to regulation affecting "commercial free association." It is this latter interest that is implicated when agricultural growers or handlers are required to pay for generic advertising and promotion. The applicable test for this interest is the one most recently applied by this Court in *Lehnert v. Ferris Faculty Assn.* 500 U.S. 507, 519 (1990). Under the *Lehnert* test, once the court finds that a state has a "substantial" or "vital" interest in coordinating attainment of an objective through a certain organization and in avoiding "free

Even were the *Central Hudson* test applicable to the issue of assessments for generic advertising, however, the Ninth Circuit has created serious additional problems for *amici* through two additional errors. First, in *Wileman Bros.* and in its earlier opinion in *Cal-Almond v. U.S. Dept of Agriculture*, 14 F.3d 429 (9th Cir. 1993), on which the *Wileman Bros.* opinion relies, the Ninth Circuit has used the wrong yardstick to determine whether a particular promotional program materially advances the targeted state interest (applying the second prong of the *Central Hudson* test). It has not measured the effectiveness of a marketing board's promotional program as against the true state interest, *i.e.*, whether the program supports the market for the commodity as a whole. Rather, the lower court has asked whether the promotional program advances the individual assessee's *private* interest in expanding its own *share* of the market. This measure encourages challenges and makes them difficult for the state to defend. Second, in *Wileman Bros.*, the Ninth Circuit has further added to the states' burden in defending these commodity promotional programs by requiring a high standard of scientific proof that each program has been effective in achieving the objective. This is directly contrary to this Court's teachings in *Florida State Bar v. Went For It*.⁴

riders", it asks only whether the activities are germane to the purpose the organization is required to carry out on behalf of those assessed.

⁴ ___ U.S. ___, 115 S.Ct. 2371, 2378 (1995)

"[W]e do not read our case law to require that empirical data come to us accompanied by a surfeit of background information. Indeed, in other First

Requiring marketing programs to meet an individualized standard of effectiveness for each assessee and requiring a high standard of proof has resulted in a burgeoning of challenges to the state programs.⁵ These challenges are increasingly burdening federal courts to take advantage of *Cal-Almond* and *Wileman Bros.* Moreover, since the test of these programs according to the Ninth Circuit is keyed to the cost/benefit calculus of individual handlers and whatever promotional strategy they might propose for themselves, marketing programs have no idea how to tailor a program that will withstand constitutional scrutiny. The Washington Hop Commission, for example, has struggled with this as it has attempted to adopt rules to govern its program.

The demise of generic promotional programs would drastically affect agricultural economies. For example, after the plum portion of one of the marketing orders under review in *Wileman Bros.* was dissolved,⁶ there was

Amendment contexts, we have permitted litigants to justify speech restrictions by reference to studies and anecdotes pertaining to different locales altogether. [citations]"

⁵ See list of actions filed against the State of California in footnote 22 of the Secretary of Agriculture's petition to this Court.

⁶ See, Secretary of Agriculture's petition at 7.

an estimated 37% resulting loss of income to California's plum industry.⁷

SUMMARY OF ARGUMENT

The lower court erroneously poses the constitutional question as whether the generic product promotional program advances the individual interest of a purveyor to compete for a larger share of the market, rather than whether it advances the government's interest in enlarging and supporting the market as a whole.

In supporting and stabilizing the market as a whole, marketing program promotion is more effective in expanding and stabilizing the market than the aggregate of private promotional efforts even assuming, unrealistically, that each purveyor would spend as much on promotion as it is assessed for the program and would direct its promotion to supporting the market as a whole rather than securing a larger portion of the existing market for itself.

⁷ Plus or minus 1½ percent. Rod Freed, "The Impact of Various Economic Factors on Grower Price and Maximizing Crop Value by Optimizing the Marketing Mix for California Tree Fruit Agreement" (June, 1993) at p. 22. Study in files of California Tree Fruit Agreement, the agency administering the federal marketing order, at 975 I Street, Reedley, California. See, also Boyd M. Buxton, "The Economic Effects of Terminating the Federal Marketing Order for Plums", *Fruit and Tree Nuts*, FATS-2780, August 1994 (the loss to the plum industry was "substantial.")

The superior performance of the marketing programs stems from several factors, including the following: (1) threshold effects favor larger, more stable programs; (2) marketing programs are more effective in the international market; and (3) marketing program's use of market research makes them more effective. Because of the free rider problem, the advantages of the promotional programs conducted with mandatory assessments cannot be secured by voluntary assessments.

Even though marketing program promotion is effective, it is hard to conceive any program which could meet the high standards of proof the Ninth Circuit apparently demands because of the complexities and uncertainties in measuring promotional program effects on large-scale markets.

ARGUMENT

A. THE NINTH CIRCUIT TEST ERRONEOUSLY ASKS WHETHER THE GENERIC ADVERTISING PROGRAM ASSISTS A PARTICULAR SELLER IN COMPETING WITH OTHER SELLERS FOR A SHARE OF THE MARKET RATHER THAN ASKING WHETHER THE PROGRAM MEETS THE GOVERNMENT OBJECTIVE OF EXPANDING THE MARKET AS A WHOLE.

Although the Ninth Circuit correctly determined that the government interest intended to be served by generic advertising was in providing greater stability in the markets for agricultural products (*Wileman Bros.*, 58 F.3d at 1378; *Cal-Almond*, 14 F.3d at 437), it then lost sight of the

justifying governmental interest when it asked whether the generic advertising program under review advanced that interest. Rather than asking whether the program supported the market as a *whole*, it demanded that the government program prove that it could sell any *individual* handler's fruit or almonds better than the handler could achieve itself using its own money and its own promotional strategy. The Court treated as legitimate a complaint that handlers "believe that the advertising program helps their competitors more than it helps them. . . ." (58 F.3d at 1377) and considered as legitimate alternatives to the program's generic promotion advertising strategies proposed by individual handlers that were designed to compete with other handlers rather than enhance total demand.⁸

Because the government objective is to expand the aggregate demand for the commodity,⁹ the appropriate

⁸ In *Wileman Bros.*, for example, appellant Gerawan Farms proposed it might use the money more effectively to develop its own brand. 58 F.3d at 1379. In *Cal-Almond*, the Court pointed to testimony by Cal-Almond's president that he found the best way to sell his almonds was by bringing potential customers to the plant and showing them how clean and efficient his processing facilities are, and the generic advertising did not help him do that. 14 F.3d at 439, n.10.

⁹ See, e.g. O.D. Forker and R.W. Ward, *Commodity Advertising: The Economics and Measurement of Generic Programs*, Lexington Books, an imprint of Macmillan, Inc., New York, 1993, at 157; emphasis added. Hereinafter, "Forker & Ward 1"

See, also, the wording in the relevant statutes of *amici*:

1. **California:** The California Marketing Act of 1937 (Cal. Food & Agr. Code § 58601 *et seq.*) provides in pertinent part:

test is solely whether the program achieves that end and not whether it advances the interest of any particular handler or grower.

A marketing order may contain provisions for the establishment of plans for advertising and sales promotion *to maintain present markets or to create new or larger markets* for any commodity which is grown in this state, or for the prevention, modification, or removal of trade barriers which obstruct the free flow of any commodity to market."

Cal. Food & Agr. Code § 58889(a). (Emphasis added.) Additionally, California also has 27 separately established agricultural marketing councils and commissions. As to these councils and commissions, the California Legislature has expressly found:

[They] are not enacted, and *are not intended to produce measurable benefit, on an individual basis, and their successes should be evaluated accordingly by analyzing the extent to which the commissions and councils have improved the overall conditions for the particular commodity* subject to the commission's or council's jurisdiction.

Cal. Food & Agr. Code § 63901(c). (Emphasis added.)

2. **Washington:** The purposes of the Agricultural Enabling Act of 1961 (Wash. Rev. Code § 010 *et seq.*), under which half of Washington's commissions are established include:

[T]o provide methods and means . . . for the *maintenance of present markets and for the development of new or larger markets*, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market. . . .

Wash. Rev. Code § 15.65.040. (Emphasis added.)

B. MARKETING PROGRAM PROMOTION IS MORE EFFECTIVE IN EXPANDING AND STABILIZING THE MARKET THAN THE AGGREGATE OF PRIVATE PROMOTIONAL EFFORTS.

Even assuming, unrealistically, (1) that each individual handler or grower were to spend as much money for promotion as its assessed contribution for the program promotion, and (2) that the handler or grower would expend its promotional budget on efforts to expand the market as a whole, rather than on expanding its share of the market, the objective of supporting the market as a whole could not be served as well as it is served by the marketing boards, for reasons discussed below.

1. The "threshold for effectiveness" factor favors the very large, stable advertising program.

A minimum amount of advertising is required to have impact. A study of the Washington Apple Commission's program, for example, indicates a level of \$200,000 per month for television advertising is needed to achieve an initial meaningful response.¹⁰ The threshold effect clearly hampers effective advertising with smaller budgets; choices must be made about what markets and what media to advertise in, and there is no assurance that the coverage is sufficient to elicit a response. Even beyond the initial threshold, not every advertising dollar spent is equally effective. For example, it was found in market

¹⁰ O.D. Forker and R.W. Ward, "Commodity checkoff programs: A self-help marketing tool for the nation's farmers?", *Choices*, Fourth Quarter, 1993.

research for the California Avocado Commission that the quantitative impact of a dollar spent on generic advertising was much higher when the per capita expenditures were higher than \$100 per thousand population.¹¹ The participants in each industry must aggregate their advertising dollars in order to have the greatest effectiveness per dollar spent.

There are also threshold-type effects in terms of continuity of an advertising program. It was found, for example, when the National Dairy Board initiated its generic advertising program, that there was a major increase in effectiveness during the second year. Forker and Ward I, *supra*, at 201. Thus, program stability is another attribute of marketing programs that makes their programs more effective in enlarging the market than uncoordinated private efforts.

2. Government-sponsored promotion is more effective in competing in the world market.

As highlighted in a 1995 General Accounting Office report,¹² the General Agreement on Tariffs and Trade (GATT) requires reducing export subsidies and domestic price supports and increases access to protected markets.

¹¹ H.F. Carman and R.D. Green, "Commodity Supply Response to a Producer Financed Advertising Program: The California Avocado Industry," *Agribusiness*, Vol. 9, No.6, pp. 605-621 (1993).

¹² General Accounting Office, *Agricultural Marketing, Comparative Analysis of U.S. and Foreign Promotion and Research Programs*, GAO/RCED-95-171 Agricultural Marketing, 1995, p.2. Hereinafter, "GAO Report."

In this changing environment, government-sponsored generic advertising programs are likely to become a more important tool for enhancing agricultural competitiveness in both domestic and foreign markets. GAO report, *supra*, p. 1. While the Uruguay Round of GATT limits the extent to which countries can provide subsidies to the agricultural sector, it does not limit the extent to which they can support market development activities. *Id.*, p. 13.

The importance of the world market for our agricultural sales cannot be overemphasized. It is thought, for example, that the largest potential growth area for American beef products may not be in the United States, but in foreign markets, and the Beef Board has directed efforts at emerging foreign markets. *Id.* at 98. Foreign promotion can be very cost effective. For example, a study of returns on the Soybean Board export promotion program indicates net returns of an impressive \$58 per dollar spent. Forker and Ward I, *supra*, at 239. Marketing program financing of foreign promotion is increasingly important, since federal export promotional subsidies are decreasing, having decreased from about \$327 million in 1992 to \$134 million in 1994. GAO, *supra*, at 7.

A number of foreign competitors have developed expertise in developing export markets over a long history of exporting, providing them a potential competitive advantage in the global marketplace. *Id.* at 13. Also, the government-sponsored marketing boards of other countries may spend more on foreign promotion. The German Wine Institute, for example, devotes a full 50% of its promotional activities to the export market. *Id.* at 52. The marketing boards of other countries also engage in a wider array of activities supporting export than their

American counterparts. For example, New Zealand's Dairy, Kiwifruit, and Apple and Pear Boards purchase and market all products intended for export. *Id.* at 12.

As the market becomes more distant and complex, the need for our producers and handlers to organize to conduct effective promotion, as well as to effectively protect the industry against direct and indirect trade barriers of other countries, becomes increasingly important. California and Washington statutes expressly include activities to protect against trade barriers as part of promotion activities. See excerpts in n. 5, *supra*. Also, the Uruguay round of GATT means that foreign countries now have increased access to some U.S. markets that were previously protected from import competition. Programs for those products will increasingly need to promote their products in the domestic market in light of increased foreign competition. *Id.* at 13.

3. Marketing board programs are made more effective through market research

Agricultural marketing programs make extensive use of market research to measure consumers' perceptions and consumption patterns in order to tailor their marketing approaches.¹³ Because market research is expensive, it is unlikely to be carried out by the individual business, yet it plays a very important role in putting together an effective approach to consumers. The Florida Tomato Exchange, for example, found that television ads were

¹³ GAO Report, pg. 2.

clearly more effective than magazine ads in changing consumer behavior. Forker & Ward I, *supra*, at 241-242.

Market research permits the commodity advertising programs not only to expand the commodity market, but also to provide important services to consumers. A good example of this is research carried out for the National Dairy Board. The Board contracted with a research firm to conduct door-to-door surveys on the nutritional qualities of milk and its importance in a healthy diet for women between the ages of 25 and 44.¹⁴ It learned that only about 25-percent of the target group met or exceeded the recommended dietary allowance for calcium, and that fat content was the top reason that this group does not drink more milk, a rich source of calcium. *Id.* at 29. These consumers appeared not to understand that low-fat milks are nutritionally comparable, except for fat, with whole milk. *Id.* at 32. In sum, resources sufficient to conduct market research is an advantage marketing boards have over the aggregation of disjointed private efforts.

4. The effectiveness of government-sponsored generic advertising has been demonstrated by reduction in taxpayer-funded price supports.

The success of commodity promotion programs has been demonstrated by associated reductions in government price supports.¹⁵ A recent study of cotton

¹⁴ U.S.D.A, *Report to Congress on the National Dairy Promotion and Research Program and the National Fluid Milk Processor Promotion Program*, July, 1995, pp. 28-34.

¹⁵ See, H.W. Kinnucan and E.T. Belleza, "Price and Quantity Impacts of Canada's Dairy Advertising Programs."

promotion, for example, indicates that net Treasury outlays for price support decline \$2.46-\$6.07 per dollar increase in promotion, provided the promotion increase is optimally allocated to the domestic and export market.¹⁶ In fact, the very reason for Congress's creating the National Dairy Board was to reduce the need for the Commodity Credit Corporation to purchase milk at the established support price level.¹⁷ Thus, actual experience demonstrates that generic promotions can expand target markets and reduce public subsidies.

C. THE ADVANTAGES OF THE PROMOTIONAL PROGRAMS CONDUCTED WITH MANDATORY ASSESSMENTS CANNOT BE SECURED BY VOLUNTARY ASSESSMENTS.

The *Wileman Bros.* and *Cal-Almond* decisions threaten programs where participation is mandatory. They would not affect a voluntary program. Yet the same advantages cannot be realized through a voluntary program as through a mandatory program. A mandatory program is more effective not only because it ultimately will have more money to spend for promotion, but also

Agricultural and Resource Economics Review, Vol. 24 (1995); H.W Kinnucan, P.A.Duffy, and K.Z. Ackerman, "Effects of Price vs. Non-Price Export Promotion; the Case of Cotton." *Review of Agricultural Economics* Vol. 17 (1995), pp. 91-100.

¹⁶ L. Ding and H.W. Kinnucan. "Market Allocation Rules for Nonprice Promotion: U.S. Cotton." paper in review with *Journal of Agricultural and Resource Economics*.

¹⁷ Senate Report No. 98-163 on Dairy and Tobacco Adjustment Act of 1983, P.L. 98-180.1675-1677.0.

because the inequity of carrying "free riders" ultimately undermines a program.

Until the mid-1980s, marketing assessment refunds were authorized or required for most federal programs. It was found that after some portion of the producers had requested refunds, others felt they were carrying an unfair burden, so they also requested a refund, further eroding support. Heavy refund requests prompted groups to ask Congress to eliminate the refund provisions, and such legislation was passed in 1990. Forker & Ward I, *supra*, at 92.

Thus, where contribution is voluntary, the "free rider" problem creates both initial limitations and a demoralizing inequity which leads to further erosion of financial support. This Court has, of course, recognized that avoidance of the "free rider" is a vital state interest justifying agency shop and mandatory bar requirements, where the same constitutional interests are at issue. See United States' petition, at 17-18.

D. EVEN USING THE CORRECT MEASURE OF EFFICACY, I.E., BENEFIT TO THE AGGREGATE MARKET RATHER THAN TO AN INDIVIDUAL'S MARKET SHARE, THE STANDARD OF PROOF SET IN WILEMAN BROS. WILL BE VERY DIFFICULT TO MEET BECAUSE OF THE COMPLEXITIES AND UNCERTAINTIES IN MEASURING PROMOTIONAL PROGRAM EFFECTS ON LARGE-SCALE MARKETS

Assuming that the constitutional test indeed requires resolving methodological disputes over promotion strategies, it is hard to conceive what program could pass

muster under the stringent standard of proof required by *Wileman Bros.* The Ninth Circuit held the government failed to meet its burden because the handlers seeking to get out of paying assessments asserted "methodological holes" in the studies the government offered, characterizing them as demonstrating only that advertising works. 58 Fed.3d at 1379.

Measuring the subtleties of a promotional program's effectiveness is not an easy matter. The market for any commodity is large and complex, and many factors other than a particular advertising program will effect market size. This is well-illustrated by a study of the results of the beef promotion program conducted during the time that the beef market was collapsing.¹⁸ It showed that while the program had been successful, it accounted for only 3 per cent of the total changes in beef prices from 1987 to 1992. Forker & Ward I, *supra*, at 88. Moreover, it had only succeeded in limiting the market shrinkage. *Id.* at 211-212. Nevertheless, the program was cost effective, reaping between \$.50 and \$5.71 increase in sales per dollar spent. *Id.* at 211.

Measuring promotional impact on a market requires the use of very complicated models. *Id.* at 196. Moreover, econometric modelling becomes even more complex in the arena of the world market. The model must take into account the interactions among various parts of the world markets, so data requirements expand and the potential

¹⁸ This is the promotional program treated in *U.S. v. Frame*, 885 F.2d 119 (3d Cir. 1989.)

for error that can influence the outcome increases concomitantly. Also, because of the large number of factors which must be accounted for concurrently, the model becomes less sensitive to the effects of the advertising strategy. *Id.* at 239.

Accordingly, although generic advertising in the world market is of increasing importance to the health of American agriculture, it may not generally be possible to measure its effects to the degree of certainty which the Ninth Circuit apparently demands.¹⁹

CONCLUSION

Amici urge this Court to accept the Secretary of Agriculture's petition for *certiorari* in this case because, *inter alia*, of the practical mischief which the Ninth Circuit *Wileman Bros.* opinion poses for their state programs for maintaining and expanding the health of their agricultural economy, as well as for the impact on their agricultural economies by any loss of generic advertising that is carried out by federal programs, which may be

¹⁹ On the other hand, there should be no trouble in meeting the standard most recently applied by this court in *Florida State Bar v. Went For It, supra*, 115 S.Ct. 2371 (1995) (see note 3, *supra*.) Under the test which *amici* view as the correct test, most recently articulated by this court in *Lehnert v. Ferris Faculty Assn, supra*, 500 U.S. 507, the questions are different (see note 2, *supra*).

even more effective, because of their larger scale, than state programs.

Respectfully submitted,

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APPENDIX

STATE OF ARIZONA

Arizona Beef Council
Arizona Grain Council
Arizona Wine Commission

STATE OF CALIFORNIA

California Apple Commission
California Apricot Advisory Board
California Artichoke Advisory Board
California Asparagus Commission
California Avocado Commission
California Dry Bean Advisory Board
California Beef Council
California Cantaloupe Advisory Board
California Fresh Carrot Advisory Board
California Cherry Marketing Program
California Egg Commission
California Fig Advisory Board
California Cut Flower Commission
California Forest Products Commission
California Kiwifruit Commission
California Melon Research Advisory Board
California Milk Producers Advisory Board
California Manufacturing Milk Advisory Board
California Fluid Milk Processor Advisory Board
California Cling Peach Advisory Board
California Pear Advisory Board
California Pistachio Commission
California Plum Advisory Board (California Plum
Marketing Board)
California Prune Board
California Rice Handlers' Advisory Board
California Wild Rice Board
California Salmon Council
California Seafood Council

App. 2

California Strawberry Commission
California Table Grape Commission
California Tomato Board
California Walnut Commission
California Wheat Commission
Dairy Council of California
Lake County Winegrape Commission
Lodi-Woodbridge Winegrape Commission

STATE OF GEORGIA

Agricultural Commodity Commission for Apples
Agricultural Commodity Commission for Canola
Agricultural Commodity Commission for Cotton
Agricultural Commodity Commission for Eggs
Agricultural Commodity Commission for Milk
Agricultural Commodity Commission for Peaches
Agricultural Commodity Commission for Peanuts
Agricultural Commodity Commission for Pecans
Agricultural Commodity Commission for Soybeans
Agricultural Commodity Commission for Sweet Potatoes
Agricultural Commodity Commission for Tobacco

STATE OF MICHIGAN

Michigan Apple Committee
Michigan Asparagus Advisory Board
Michigan Bean Commission
Michigan Beef Industry Commission
Michigan Fresh Market Carrot Committee
Michigan Cherry Committee
Michigan Corn Marketing Committee
Michigan Dairy Market Program
Michigan Mint Committee
Michigan Onion Committee
Michigan Plum Advisory Board
Michigan Potato Industry Commission
Michigan Red Tart Cherry Advisory Board

App. 3

Michigan Soybean Committee
Michigan Special Fed Veal Committee

STATE OF NEW JERSEY

New Jersey Apple Industry Advisory Council
New Jersey Asparagus Industry Advisory Council
New Jersey Blueberry Industry Advisory Council
New Jersey Dairy Industry Advisory Council
New Jersey Poultry Industry Advisory Council
New Jersey Sweet Potato Commission
New Jersey White Potato Industry Advisory Council
New Jersey Wine Industry Advisory Council

STATE OF VERMONT

Vermont Apple programs
Vermont Beef programs
Vermont Milk programs

STATE OF VIRGINIA

Virginia Bright Flue-Cured Tobacco Board
Virginia Cattle Industry Board
Virginia Corn Board
Virginia Dark Fired Tobacco Board
Virginia Egg Board
Virginia Horse Industry Board
Virginia Irish Potato Board
Virginia Peanut Board
Virginia Pork Industry Board
Virginia Small Grains Board
Virginia Soybean Board
Virginia State Apple Board
Virginia Sweet Potato Board

STATE OF WASHINGTON

Washington Apple Commission
Washington Dairy Products Commission

App. 4

Washington Fruit Commission
Washington Beef Commission
Washington Wine Commission
Washington Potato Commission
Washington Seed Potato Commission
Washington Wheat Commission
Washington Fryer Commission
Washington Barley Commission
Washington Hop Commission
Washington Dry Pea & Lentil Commission
Washington Blueberry Commission
Washington Raspberry Commission
Washington Egg Commission
Washington Asparagus Commission
Washington Farmed Salmon Commission
